

1 **21 NCAC 14A .0101 DEFINITIONS IS READOPTED AS PUBLISHED IN 40:06 NCR 566 AS**
2 **FOLLOWS:**

3 **CHAPTER 14 – BOARD OF COSMETIC ART EXAMINERS**

4
5 **SUBCHAPTER 14A – DEPARTMENTAL RULES**

6
7 **SECTION .0100 – ORGANIZATION RULES**

8
9 **21 NCAC 14A .0101 DEFINITIONS**

10 In addition to the definitions set forth in G.S. 88B-2, the following definitions apply in this Chapter:

- 11 (1) "Beauty Establishment" refers to both cosmetic art schools and cosmetic art shops.
- 12 (2) "Clean" is the removal of visible and surface debris, washing with soap and water, detergent or
13 chemical cleaner that prepares non-porous items for disinfection and reduces the number and
14 slows the growth of pathogens on both porous and non-porous surfaces. Cleaning does not make
15 multi-use items safe for use.
- 16 (3) "Cosmetology School" is any cosmetic art school that teaches cosmetic art as defined by G.S.
17 88B-2(5), but is not solely a manicurist or an esthetics school.
- 18 (4) "Cosmetology Student" is a student in any cosmetic art school whose study is the full curriculum.
- 19 (5) "Esthetician School" is any cosmetic art school that teaches only the cosmetic art of skin care.
- 20 (6) "Esthetician Student" is a student in any cosmetic art school whose study is limited to the
21 esthetician curriculum set forth in 21 NCAC 14T .0604.
- 22 (7) "Licensing cycle" shall be as follows:
- 23 (a) for cosmetologists, the licensing cycle is a three-year period beginning on the first day of
24 October and ending on the third following first day of October and continuing thereafter
25 in three year intervals;
- 26 (b) for estheticians, natural hair care specialists and manicurists, the licensing cycle is one
27 year in length beginning on the first day of October and ending on the next first day of
28 October;
- 29 (c) for teachers, the licensing cycle is a two-year period beginning on the first day of October
30 of an even-numbered year and ending on the next first day of October of the next even-
31 numbered year.
- 32 (8) "Manicurist School" is a cosmetic art school that teaches only the cosmetic art of manicuring.
- 33 (9) "Manicurist Student" is a student in any cosmetic art school whose study is limited to the
34 manicurist curriculum set forth in 21 NCAC 14T .0605.
- 35 (10) "Natural hair care school" is a cosmetic art school that teaches only the cosmetic art of natural hair
36 care.

37 (11) "Natural hair care student" is a student in any cosmetic art school whose study is limited to the
38 natural hair care curriculum set forth in 21 NCAC 14T .0606.

39 (12) "Porous" is a material that has minute spaces or holes through which liquid or air may pass such as
40 paper, foam, and wood. Porous may also be called permeable, penetrable, or cellular.

41

42 *History Note: Authority G.S. 88B-2; 88B-4;*

43 *Eff. February 1, 1976;*

44 *Amended Eff. June 1, 1993; October 1, 1991; May 1, 1991; January 1, 1989;*

45 *Temporary Amendment Eff. January 1, 1999;*

46 *Amended Eff. October 1, 2012; July 1, 2010; December 1, 2008; May 1, 2005; December 1, 2004;*

47 *May 1, 2004; February 1, 2004; April 1, 2001; August 1, 2000;*

48 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*

49 *13, 2015;*

50 *Amended Eff. April 1, 2023; March 1, 2022; September 1, 2018; March 1, 2018;*

51 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14A .0104 ADDRESS IS READOPTED AS PUBLISHED IN 40:06 NCR 566 AS FOLLOWS:**

2

3 **21 NCAC 14A .0104 ADDRESS**

4 The address for the board is 121 Edinburgh South Drive, Suite 209, Cary, North Carolina 27511.

5

6 *History Note: Authority G.S. 88-23;*

7 *Eff. February 1, 1976;*

8 *Amended Eff. January 1, 2015; August 1, 1998; December 6, 1991; January 1, 1989; April 1,*
9 *1988;*

10 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
11 *13, 2015;*

12 *Amended Eff. September 1, 2021;*

13 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14A .0401 LICENSE WAIVER FOR ARMED FORCES IS READOPTED AS PUBLISHED**
2 **IN 40:06 NCR 566 AS FOLLOWS:**

3
4 **SECTION .0400 - LICENSE WAIVER FOR ARMED FORCES**

5
6 **21 NCAC 14A .0401 LICENSE WAIVER FOR ARMED FORCES**

7 (a) Licensees in good standing and serving in the armed forces of the United States or the spouse of an individual in
8 good standing and serving in the armed forces of the United States are allowed an extension on the license renewal
9 payment and required continuing education hours as permitted G.S. 93B-15.

10 (b) Individuals holding current and valid licensure as determined by G.S. 93B-15.1 may apply for licensure with the
11 Board by providing a copy of the current and valid license along with a the license application, fees and
12 documentation of military experience or training.

13
14 *History Note: Authority G.S. 93B-15; 93B-15.1;*

15 *Eff. June 1, 2010;*

16 *Amended Eff. August 1, 2014;*

17 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
18 *13, 2015;*

19 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14A .0402 DUPLICATE LICENSES IS READOPTED AS PUBLISHED IN 40:06 NCR 566**
2 **AS FOLLOWS:**

3 **21 NCAC 14A .0402 DUPLICATE LICENSES**

4 (a) A licensee may request a duplicate license by submitting written application and a duplicate license fee to the
5 Board.

6 (b) All overpayments will be returned to the submitting applicant or licensee.

7

8 *History Note: Authority G.S. 88B-20;*

9 *Eff. October 1, 2012;*

10 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*

11 *13, 2015;*

12 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14A .0403** **ADDITIONAL SALON CHAIRS IS READOPTED AS PUBLISHED IN 40:06 NCR**
2 **566 AS FOLLOWS:**

3 **21 NCAC 14A .0403** **ADDITIONAL SALON CHAIRS**

4 Salon owners may request additional salon chair licensure by submitting written application and additional chair
5 fees to the Board.

6

7 *History Note: Authority G.S. 88B-20;*

8 *Eff. October 1, 2012;*

9 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
10 *13, 2015;*

11 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14A .0404 FEES IS READOPTED AS PUBLISHED IN 40:06 NCR 566 AS FOLLOWS:**

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3 **21 NCAC 14A .0404 FEES**

4

5 (a) Fees and civil penalties paid by personal checks that are returned for any reason shall be treated in the same
6 manner as though no fee had been tendered and the bank's returned check fee, not to exceed thirty-five dollars
7 (\$35.00), shall be assessed to the account holder. All subsequent payments must be submitted via credit card, money
8 order, or certified check.

9 (b) All moneys tendered in payment of fees shall be in the exact amount required for said fees. No part of a fee
10 submitted to the Board per G.S. 88B-20 shall be refundable.

11 (c) Licenses, certifications, duplicates, inactivations, or reactivations shall not be processed until all fees and
12 assessed civil penalties are paid in full.

13

14 *History Note: Authority G.S. 25-3-506; 88B-2; 88B-4;*

15 *Eff. September 1, 2012;*

16 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
17 *13, 2015;*

18 *Amended Eff. September 1, 2021;*

19 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14B .0101 PETITIONS IS READOPTED AS PUBLISHED IN 40:06 NCR 566 AS**
2 **FOLLOWS:**

3 **SUBCHAPTER 14B - RULE-MAKING PROCEDURES**

4

5 **SECTION .0100 - PETITIONS FOR RULE-MAKING**

6

7 **21 NCAC 14B .0101 PETITIONS**

8 Any person wishing to submit a petition requesting the adoption of a rule by the Board must address a petition to the
9 chairman of the Board at the Board's address.

10

11 *History Note: Authority G.S. 150B-16;*

12 *Eff. February 1, 1976;*

13 *Amended Eff. January 1, 1989; April 1, 1988;*

14 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
15 *13, 2015;*

16 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14B .0102 CONTENTS OF PETITIONS IS READOPTED AS PUBLISHED IN 40:06 NCR**
2 **566 AS FOLLOWS:**

3 **21 NCAC 14B .0102 CONTENTS OF PETITIONS**

4 The petition must contain the following information:

- 5 (1) a draft of the proposed rule or amendment,
- 6 (2) a summary of the contents of the proposed rule or amendment,
- 7 (3) reason for the proposal,
- 8 (4) effect of the new rule or amendment on existing rules,
- 9 (5) data supporting the rule proposal,
- 10 (6) effect of the proposed rule or amendment on existing practices in the area involved, including cost
11 factors, and
- 12 (7) name and address of each petitioner.

13

14 *History Note: Authority G.S. 150B-16;*
15 *Eff. February 1, 1976;*
16 *Amended Eff. January 1, 1989; April 1, 1988;*
17 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
18 *13, 2015;*
19 *Readopted Eff. April, 1, 2026.*

1 **21 NCAC 14B .0105 GRANTING OR DENYING PETITIONS IS READOPTED AS PUBLISHED IN**
2 **40:06 NCR 566 AS FOLLOWS:**

3 **21 NCAC 14B .0105 GRANTING OR DENYING PETITIONS**

4 The Board must determine, based on a study of the facts stated in the petition, whether the public interest will be
5 better served by granting or denying the petition. The Board must consider all the contents of the submitted
6 petitions plus any additional information deemed relevant.

7

8 *History Note: Authority G.S. 150B-16;*

9 *Eff. February 1, 1976;*

10 *Amended Eff. January 1, 1989; April 1, 1988;*

11 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
12 *13, 2015;*

13 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14B .0107 FINAL DECISION IS READOPTED AS PUBLISHED IN 40:06 NCR 566 AS**
2 **FOLLOWS:**

3 **21 NCAC 14B .0107 FINAL DECISION**

4 Within 30 days of submission of the petition or at its next regularly scheduled meeting, whichever is later, the Board
5 will render a final decision. If the decision is to deny the petition, the chairman of the Board will notify the
6 petitioner in writing stating the reasons therefor. If the decision is to grant the petition, the Board will initiate a
7 rule-making proceeding.

8

9 *History Note: Authority G.S. 150B-16;*

10 *Eff. February 1, 1976;*

11 *Amended Eff. January 1, 1989; April 1, 1988;*

12 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
13 *13, 2015;*

14 *Readoption Eff. April 1, 2026.*

1 **21 NCAC 14B .0201 NOTICE TO PUBLIC IS READOPTED AS PUBLISHED IN 40:06 NCR 566 AS**
2 **FOLLOWS:**

3 **SECTION .0200 - NOTICE**
4

5 **21 NCAC 14B .0201 NOTICE TO PUBLIC**

6 Upon a determination to hold rule-making proceedings, either in response to a petition or otherwise, the Board will
7 give 30 days notice by publication in the North Carolina Register.

8

9 *History Note: Authority G.S. 150B-12; 150B-16;*

10 *Eff. February 1, 1976;*

11 *Amended Eff. January 1, 1989; April 1, 1988;*

12 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
13 *13, 2015;*

14 *Readopted Eff. April 1, 2026.*
15

1 **21 NCAC 14B .0302 PROCEDURE FOR MAKING ORAL PRESENTATION AT HEARING IS**
2 **READOPTED AS PUBLISHED IN 40:06 NCR 566 AS FOLLOWS:**

3
4 **21 NCAC 14B .0302 PROCEDURE FOR MAKING ORAL PRESENTATION AT HEARING**

5 (a) A person desiring to make an oral presentation on a proposed rule or amendment to rule at a rule-making
6 hearing must file a request to make a presentation with the chairman of the Board, at the Board's address, at
7 least 15 days before the hearing. The presiding officer at the hearing may, however, waive or excuse a
8 person's failure to give this notice for good reason.

9 (b) A request to make an oral presentation must contain a brief summary of the subject on which the
10 individual desires to speak and an estimation of the length of time needed. An oral presentation may not
11 exceed five minutes unless the presiding officer, either before or at the hearing, grants an extension of time for
12 good reason.

13 (c) A person who makes an oral presentation at a rule-making hearing is encouraged to submit a written copy
14 of the presentation to the Board either before or at the hearing.

15
16 *History Note: Authority G.S. 150B-11(1); 150B-12;*
17 *Eff. February 1, 1976;*
18 *Amended Eff. January 1, 1989; April 1, 1988;*
19 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
20 *13, 2015;*
21 *Readoption Eff. April 1, 2026.*

1 **21 NCAC 14B .0304 ACKNOWLEDGEMENT OF A REQUEST TO MAKE AN ORAL**
2 **PRESENTATION IS READOPTED AS PUBLISHED IN 40:06 NCR 566 AS FOLLOWS:**

3
4 **21 NCAC 14B .0304 ACKNOWLEDGEMENT OF A REQUEST TO MAKE AN ORAL**
5 **PRESENTATION**

6 Upon receipt of a request to make an oral presentation at a rule-making hearing, the chairman must
7 acknowledge receipt of the request and inform the person requesting time for an oral presentation of the
8 imposition of any limitations deemed necessary to the end of a full and effective public hearing on the
9 proposed rule or amendment.

10
11 *History Note: Authority G.S. 150B-11(1);*
12 *Eff. February 1, 1976;*
13 *Amended Eff. January 1, 1989;*
14 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
15 *13, 2015;*
16 *Readoption Eff. April 1, 2026.*

1 **21 NCAC 14B .0305 WRITTEN STATEMENT IS READOPTED AS PUBLISHED IN 40:06 NCR 566**
2 **AS FOLLOWS:**

3 **21 NCAC 14B .0305 WRITTEN STATEMENT**

4 (a) Any person may file a written statement containing data, comments, or arguments in support of or in
5 opposition to a proposed rule or rule change. Such statements may be filed before, during, or for five days
6 after the hearing by delivering the statement by mail or in person to the chairman of the Board, at the Board's
7 mailing address.

8 (b) An extension of time for filing written statements may be granted either in the notice of the particular
9 rule-making hearing or by the presiding officer of the hearing.

10 (c) All such submitted statements should clearly state the rule or proposed rule to which the comments are
11 addressed.

12

13 *History Note: Authority G.S. 150B-11(1); 150B-12;*

14 *Eff. February 1, 1976;*

15 *Amended Eff. January 1, 1989; April 1, 1988;*

16 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
17 *13, 2015;*

18 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14B .0306 ACKNOWLEDGEMENT IS READOPTED AS PUBLISHED IN 40:06 NCR 566**
2 **AS FOLLOWS:**

3 **21 NCAC 14B .0306 ACKNOWLEDGEMENT**

4 Acknowledgement of all written comments received by the Board will be issued by the Chairman of the North
5 Carolina State Board of Cosmetic Art Examiners.

6

7 *History Note: Authority G.S. 150B-11(1);*

8 *Eff. February 1, 1976;*

9 *Amended Eff. April 1, 1988;*

10 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
11 *13, 2015;*

12 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14B .0307 CONTROL OF HEARINGS IS READOPTED AS PUBLISHED IN 40:06 NCR 566**
2 **AS FOLLOWS:**

3 **21 NCAC 14B .0307 CONTROL OF HEARINGS**

4 (a) Purpose. The purpose of this Rule is to provide uniform procedures for the conduct of public comment
5 hearings.

6 (b) The presiding officer at the hearings shall have control of the proceedings including the following:

- 7 (1) extension of any time requirements,
- 8 (2) recognition of speakers,
- 9 (3) time allotment for presentations, and
- 10 (4) direction of the flow of discussion and the management of the hearing.

11 (c) The presiding officer at all times shall take care that each person participating in the hearing is given an
12 opportunity to present views, data and comments.

13 (d) Public comment hearings shall be open to the public, and members of the public shall be entitled to testify,
14 subject to the provisions of this Rule.

15 (e) Public comment hearing shall be open to print and electronic media, subject to the following limitations by the
16 board, or the person designated by the board to preside over the hearing, when such pooling are necessary to allow
17 the hearing to go forward:

- 18 (1) Pooling of the number of media representatives when their number and equipment together with
19 the number of members of the public present exceeds the capacity of the hearing room;
- 20 (2) Limitation on the placement of cameras to specific locations within the hearing room; or
- 21 (3) Prohibition of interviews conducted within the hearing room during the hearing.

22 (f) Public comment hearings shall be presided over by the board or an individual knowledgeable in the subject area
23 of the proposed rules who has been designated by the chairman to preside over the hearing.

24 (g) The person presiding over the hearing shall:

- 25 (1) Call the hearing to order;
- 26 (2) Identify the proposed rules which are the subject matter of the hearing, and provide copies of them
27 upon request;
- 28 (3) Cause a recording of the hearing to be made;
- 29 (4) Establish speaker time limits;
- 30 (5) Recognize those who wish to be heard;
- 31 (6) If necessary, refuse to recognize people for speaking, or revoke recognition of speakers;
- 32 (7) If necessary, limit the activity of the media;
- 33 (8) If necessary, continue or move the hearing; and
- 34 (9) Adjourn or continue the hearing.

35 (h) The hearing shall be continued when:

- 36 (1) The weather is so inclement that it is reasonable to conclude that people wishing to attend the
37 hearing are unable to do so;

- 38 (2) The chairman or the individual designated by the chairman to preside over the hearing is ill or
39 unavoidably absent; or
- 40 (3) Continuing the hearing will facilitate greater participation by the public.
- 41 (i) The hearing may be moved to another location when the original location is not able to accommodate the
42 number of people who wish to attend the hearing.
- 43 (j) The hearing shall be continued past the scheduled time or to another date when:
- 44 (1) The time available is not sufficient to give each person who wishes to speak a reasonable
45 opportunity to do so; or
- 46 (2) The capacity of the room in which the hearing is to be held does not accommodate the number of
47 people who wish to attend the hearing and it is not possible to move the hearing to another
48 location.
- 49 (k) People who wish to speak about the rules which are the subject matter of the hearing shall be asked to write on
50 the speaker's list their full names and if they represent other persons, the identity of the persons represented.
- 51 (l) People who wish to speak shall be asked to provide the information called for by Paragraph (k) of this Rule no
52 later than before the last speaker on the list has finished speaking.
- 53 (m) People whose names appear on the speaker's list shall be afforded an opportunity to speak at the hearing within
54 the limits on public participation.
- 55 (n) Written comments must be submitted by the deadline listed in the rule making notice.
- 56 (o) The person presiding over the hearing shall:
- 57 (1) Refuse to recognize for speaking or revoke the recognition of any person who:
- 58 (A) Speaks or acts in an abusive or disruptive manner; or
- 59 (B) Refuses to keep comments relevant to the proposed rules which are the subject matter of
60 the hearing;
- 61 (2) Limit the duration of the hearing and limit the amount of time each speaker may speak to a time
62 which allocates approximately equal speaking time to each person shown on the speaker's list as
63 wishing to speak; and
- 64 (3) Limit presentations on behalf of the same organization or entity to no more than three, provided
65 that all those representing such organization or entity may enter their names and addresses into the
66 record as supporting the position of the organization or entity.

67

68 *History Note: Authority G.S. 88B-4; 143-318.4; 150B 21.2;*
69 *Eff. February 1, 1976;*
70 *Amended Eff. April 1, 2012;*
71 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
72 *13, 2015;*
73 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14B .0308 REQUEST FOR STATEMENT ON ADOPTED RULE IS READOPTED AS**
2 **PUBLISHED IN 40:06 NCR 566 AS FOLLOWS:**

3 **21 NCAC 14B .0308 REQUEST FOR STATEMENT ON ADOPTED RULE**

4 Any person or agency desiring a concise statement of the principal reasons for and against the adoption of a
5 rule by the Board and the factors that led to sustaining or overruling the considerations urged for or against its
6 adoption may submit a request in writing to the chairman of the Board at the Board's address. Such requests
7 may be submitted either prior to the rule-making hearing or within 30 days thereafter.

8

9 *History Note: Authority G.S. 150B-11(1); 150B-12(e);*

10 *Eff. February 1, 1976;*

11 *Amended Eff. January 1, 1989; April 1, 1988;*

12 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
13 *13, 2015;*

14 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14B .0309 RECORDS IS READOPTED AS PUBLISHED IN 40:06 NCR 566 AS FOLLOWS:**

2 **21 NCAC 14B .0309 RECORDS**

3 (a) A record of all rule-making proceedings will be maintained as long as the rule is in effect and for five
4 years thereafter. This record will contain the following:

- 5 (1) the original petition, if any;
- 6 (2) the notice;
- 7 (3) all written memoranda and information submitted;
- 8 (4) a record or summary of oral presentations, if any; and
- 9 (5) any statement of reasons for and against adoption of a rule issued by the Board.

10 (b) The record will be maintained in a file at the Board's address.

11

12 *History Note: Authority G.S. 150B-11(1);*

13 *Eff. February 1, 1976;*

14 *Amended Eff. January 1, 1989; April 1, 1988;*

15 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
16 *13, 2015;*

17 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14B .0501 REQUEST FOR DECLARATORY RULING IS READOPTED AS PUBLISHED**
2 **IN 40:06 NCR 566 AS FOLLOWS:**

3 **SECTION .0500 - DECLARATORY RULINGS**

4
5 **21 NCAC 14B .0501 REQUEST FOR DECLARATORY RULING**

6 Any person substantially affected by a statute administered or rule promulgated by the Board may request a
7 declaratory ruling as to how the statute or rule applies to a given factual situation or whether a particular board
8 rule is valid. All requests for declaratory rulings must be in writing and mailed to the chairman of the Board at
9 the Board's address.

10

11 *History Note: Authority G.S. 150B-17;*

12 *Eff. February 1, 1976;*

13 *Amended Eff. January 1, 1989; April 1, 1988;*

14 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
15 *13, 2015;*

16 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14B .0502 CONTENTS OF REQUEST IS READOPTED AS PUBLISHED IN 40:06 NCR 566**
2 **AS FOLLOWS:**

3 **21 NCAC 14B .0502 CONTENTS OF REQUEST**

4 All requests for a declaratory ruling must include the following information:

- 5 (1) name and address of petitioner;
- 6 (2) statute or rule to which the petition relates;
- 7 (3) concise statement of the manner in which the petitioner is aggrieved, or thinks that he may be
8 aggrieved by the rule or statute and its application to him; and
- 9 (4) statement of whether an oral hearing is desired and if so the reasons therefor.

10

11 *History Note: Authority G.S. 150B-17;*
12 *Eff. February 1, 1976;*
13 *Amended Eff. January 1, 1989;*
14 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
15 *13, 2015;*
16 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14B .0503 REFUSAL TO ISSUE DECLARATORY RULING IS READOPTED AS**
2 **PUBLISHED IN 40:06 NCR 566 AS FOLLOWS:**

3 **21 NCAC 14B .0503 REFUSAL TO ISSUE DECLARATORY RULING**

4 Whenever the Board believes for good reason that the issuance of a declaratory ruling is inappropriate, it may
5 refuse to do so. When good reason is deemed to exist, the Board will notify the petitioner of its decision in
6 writing stating reasons for the denial of a declaratory ruling.

7

8 *History Note: Authority G.S. 150B-17;*

9 *Eff. February 1, 1976;*

10 *Amended Eff. January 1, 1989; April 1, 1988;*

11 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
12 *13, 2015;*

13 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14B .0505 PROCEDURE IS READOPTED AS PUBLISHED IN 40:06 NCR 566 AS**
2 **FOLLOWS:**

3 **21 NCAC 14B .0505 PROCEDURE**

4 A declaratory ruling procedure may consist of written statements, oral hearings or such other procedures as
5 may be appropriate in a particular case.

6

7 *History Note: Authority G.S. 88-23; 150B-17;*

8 *Eff. February 1, 1976;*

9 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
10 *13, 2015;*

11 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14B .0506 CIRCUMSTANCES IS READOPTED AS PUBLISHED IN 40:06 NCR 566 AS**
2 **FOLLOWS:**

3 **21 NCAC 14B .0506 CIRCUMSTANCES**

4 The Board may refuse to issue a declaratory ruling on the validity of a rule if:

- 5 (1) When the Board has already made a controlling decision on substantially similar facts in a
6 contested case;
- 7 (2) When the facts underlying the request for a ruling were specifically considered at the time of
8 the adoption of the rule in question; and
- 9 (3) When the subject matter of the request is involved in pending litigation in North Carolina.

10

11 *History Note: Authority G.S. 150B-17;*

12 *Eff. February 1, 1976;*

13 *Amended Eff. January 1, 1989;*

14 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
15 *13, 2015;*

16 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14B .0601 COPYING CHARGES IS READOPTED AS PUBLISHED IN 40:06 NCR 566 AS**
2 **FOLLOWS:**

3 **SECTION .0600 - FEES**

4
5 **21 NCAC 14B .0601 COPYING CHARGES**

6 The Board may charge a small fee for providing copies of its rules, Chapter 88 of the North Carolina General
7 Statutes, and other public documents in its possession.

8
9 *History Note: Authority G.S. 12-3.1; 150B-11(1);*

10 *Eff. February 1, 1976;*

11 *Amended Eff. January 1, 1989;*

12 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
13 *13, 2015;*

14 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14B .0603 POSTAGE AND HANDLING IS READOPTED AS PUBLISHED IN 40:06 NCR**
2 **566 AS FOLLOWS:**

3 **21 NCAC 14B .0603 POSTAGE AND HANDLING**

4 There will be a five dollar (\$5.00) charge for postage and handling for all mailings.

5

6 *History Note: Authority G.S. 12-3.1; 150B-11(1);*

7 *Eff. December 1, 1990;*

8 *Temporary Amendment Eff. December 1, 2001;*

9 *Amended Eff. August 1, 2002;*

10 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
11 *13, 2015;*

12 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14B .0605 COSMETOLOGIST LICENSE FEE AND STAGGERED LICENSE RENEWAL**
2 **SCHEDULE IS READOPTED AS PUBLISHED IN 40:06 NCR 566 AS**
3 **FOLLOWS:**

4 **21 NCAC 14B .0605 COSMETOLOGIST LICENSE FEE AND STAGGERED LICENSE RENEWAL**
5 **SCHEDULE**

6 (a) All cosmetology licenses expiring on and after October 1, 2013 shall pay the renewal fee of thirty-nine dollars
7 (\$39.00), and complete 24 hours of continuing education as required by G.S. 88B-21 to be eligible for license
8 renewal.

9 (b) Upon renewal of the license expiring October 1, 2010 the Board shall issue a new license with staggered
10 expiration dates. Licensees shall be divided into renewal groups by first digit of license number and shall pay
11 prorated fees for renewal as follows:

12

License Number (first digit in number)	Staggered Expiration Date	Fees/CE Hours Due
3, 4 or 5	October 1, 2011	\$13/0 hours
6 or 7	October 1, 2012	\$26/12 hours
0, 1, 2, 8 or 9	October 1, 2013	\$39/24 hours

13

14 *History Note: Authority G.S. 88B-20; 88B-21;*

15 *Eff. August 1, 1998;*

16 *Amended Eff. August 1, 2010;*

17 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
18 *13, 2015;*

19 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14B .0607 WAIVERS IS READOPTED AS PUBLISHED IN 40:06 NCR 566 AS FOLLOWS:**

2 **21 NCAC 14B .0607 WAIVERS**

3 (a) Individuals who wish to request a waiver of a rule shall submit to the Board a written request which includes:

- 4 (1) The rule for which a waiver is requested;
- 5 (2) The reason for requesting the waiver along with supporting documents;
- 6 (3) Evidence of how the waiver will provide for the health and safety of the consumer or licensee; and
- 7 (4) The signature of applicant.

8 (b) The Board shall approve a waiver request only if:

- 9 (1) The administrative rule for which the waiver is being requested is not mandated by law; and
- 10 (2) The Board finds that approval of the requested waiver shall not jeopardize the health and safety of
- 11 employees or the public.

12

13 *History Note: Authority G.S. 88B-4;*

14 *Eff. April 1, 2012;*

15 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*

16 *13, 2015;*

17 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14B .0608 COMPLAINTS IS READOPTED AS PUBLISHED IN 40:06 NCR 566 AS**
2 **FOLLOWS:**

3 **21 NCAC 14B .0608 COMPLAINTS**

4
5 (a) Any person may file a complaint alleging violation of the Cosmetic Art Act or this Chapter with the Board for
6 investigation and disciplinary action per G.S. 88B-24.

7 (b) The complaint shall be filed in writing with the Board. Complaints will be accepted by fax, mail, email, through
8 the Board's online complaint form at www.nccosmeticarts.com or delivered in office. Upon receipt of a complaint,
9 Board staff shall review the content for jurisdiction and when finding authority under G.S. 88B or this Chapter
10 assign the complaint for investigation. Complaints received alleging violation outside the jurisdictional authority of
11 the Board shall be forwarded to the appropriate agency and the complainant notified, if contact information is
12 provided by the complainant.

13 (c) The Board shall notify the complainant and the respondent in any complaint filed with the Board of the
14 disposition of the case.

15 *History Note: Authority G.S. 88B-4;*
16 *Eff. December 1, 2016*
17 *Readopted Eff. April 1,*
18 *2026;*

1 **21 NCAC 14C .0101 ADMINISTRATIVE HEARINGS IS READOPTED AS PUBLISHED IN 40:06**
2 **NCR 567 AS FOLLOWS:**

3 **SUBCHAPTER 14C - CONTESTED CASES**

4
5 **SECTION .0100 - GENERAL RULES**

6
7 **21 NCAC 14C .0101 ADMINISTRATIVE HEARINGS**

8 Whenever the Board proposes to deny, revoke, or suspend a license, permit, certificate of registration, or letter of
9 approval issued by it, or at any other time when it deems a hearing legally required, it must give notice to the person
10 affected of the Board's proposed action and the person's right to a hearing. The person may request a hearing by
11 mailing or delivering to the Board a written request for a hearing. The Board will take the proposed action described
12 in the notice unless it receives a request for a hearing prior to the date on which the Board proposes to act or the date
13 specified in the notice. A request mailed to the Board is deemed timely if postmarked prior to the date on which the
14 Board proposes to act or the date specified in the notice.

15
16 *History Note: Authority G.S. 150B-38(h); 150B-40;*

17 *Eff. February 1, 1976;*

18 *Amended Eff. January 1, 1989; April 1, 1988;*

19 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
20 *13, 2015;*

21 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14C .0103 PRESIDING OFFICER IS READOPTED AS PUBLISHED IN 40:06 NCR 567 AS**
2 **FOLLOWS:**

3 **21 NCAC 14C .0103 PRESIDING OFFICER**

4 If no other presiding officer has been designated by the Board, or if the designated presiding officer is unavailable or
5 disqualifies himself, the chairman of the Board shall act as presiding officer for purposes of issuing subpoenas,
6 ordering the production of records, responding to motions for continuances or extensions of time, controlling and
7 ruling on issues surrounding discovery, and otherwise acting on matters arising in connection with a pending hearing
8 and shall have all powers granted to the presiding officer under Article 3A of Chapter 150B of the North Carolina
9 General Statutes.

10

11 *History Note: Authority G.S. 150B-38(h); 150B-40(b);*

12 *Eff. April 1, 1988;*

13 *Amended Eff. January 1, 1989;*

14 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
15 *13, 2015;*

16 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14C .0203 WRITTEN REQUEST IS READOPTED AS PUBLISHED IN 40:06 NCR 567 AS**
2 **FOLLOWS:**

3 **21 NCAC 14C .0203 WRITTEN REQUEST**

4 Following such an informal contact with the Board as set out in 21 NCAC 14C .0202, if still dissatisfied, one may
5 file a written request for an administrative hearing with the chairman of the Board at its address.

6

7 *History Note: Authority G.S. 150B-38;*

8 *Eff. February 1, 1976;*

9 *Amended Eff. January 1, 1989;*

10 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
11 *13, 2015;*

12 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14C .0204 CONTENTS OF REQUEST IS READOPTED AS PUBLISHED IN 40:06 NCR 567**
2 **AS FOLLOWS:**

3 **21 NCAC 14C .0204 CONTENTS OF REQUEST**

4 A written request for an administrative hearing must contain the following information:

- 5 (1) name and address of petitioner,
- 6 (2) a concise statement of the Board action being challenged,
- 7 (3) a concise statement of the way in which the petitioner has been aggrieved, and
- 8 (4) a clear and specific demand for a hearing.

9

10 *History Note: Authority G.S. 150B-38;*
11 *Eff. February 1, 1976;*
12 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
13 *13, 2015;*
14 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14C .0205 ACKNOWLEDGEMENT IS READOPTED AS PUBLISHED IN 40:06 NCR 567**
2 **AS FOLLOWS:**

3 **21 NCAC 14C .0205 ACKNOWLEDGEMENT**

4 Requests for administrative hearings must be promptly acknowledged by the Board and, if the person making
5 the request is a person aggrieved, a hearing must be scheduled within a reasonable amount of time.

6

7 *History Note: Authority G.S. 150B-38;*

8 *Eff. February 1, 1976;*

9 *Amended Eff. January 1, 1989;*

10 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
11 *13, 2015;*

12 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14C .0503 ADDITIONAL INFORMATION ON NOTICES OF HEARINGS IS READOPTED AS**
2 **PUBLISHED IN 40:06 NCR 567 AS FOLLOWS:**

3 **21 NCAC 14C .0503 ADDITIONAL INFORMATION ON NOTICES OF HEARINGS**

4 In addition to the items specified in North Carolina General Statutes 150B-38(b) to be included in the notice,
5 notices of administrative hearings must include the following information:

- 6 (1) the name, position, address and phone number of a member, employee, or agent of the Board
7 to contact for further information or discussion;
- 8 (2) the date and place for any prehearing conference;
- 9 (3) the right to file a written response to the allegations in the notice of hearing no later than ten
10 days prior to the scheduled hearing date; and
- 11 (4) other information deemed relevant to informing the party or parties as to the procedure for the
12 hearing.

13 *History Note: Authority G.S. 150B-38;*
14 *Eff. February 1, 1976;*
15 *Amended Eff. January 1, 1989; September 1, 1988;*
16 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
17 *13, 2015;*
18 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14C .0601 HEARING PANEL IS READOPTED AS PUBLISHED IN 40:06 NCR 567 AS**
2 **FOLLOWS:**

3
4 **SECTION .0600 - WHO SHALL HEAR CONTESTED CASES**

5 **21 NCAC 14C .0601 HEARING PANEL**

6 Administrative hearings before the Board will normally be heard by a majority of the Board.

7 *History Note: Authority G.S. 150B-38; 150B-40;*
8 *Eff. February 1, 1976;*
9 *Amended Eff. January 1, 1989; April 1, 1988;*
10 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
11 *13, 2015;*
12 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14C .0801 INTERVENTION OF RIGHT IS READOPTED AS PUBLISHED IN 40:06 NCR**
2 **567 AS FOLLOWS:**

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4
5

SECTION .0800 - INTERVENTION

6 **21 NCAC 14C .0801 INTERVENTION OF RIGHT**

7 A motion to intervene of right as provided for in the North Carolina Rules of Civil Procedure, Rule 24, must be
8 granted if timely and the petitioner meets the criteria of that rule. For the purposes of intervention, any time
9 prior to the designated hearing's termination must be considered timely unless a grant of the right to intervene
10 would cause substantial prejudice to the rights of a party, substantial added expense, or compellingly serious
11 inconvenience to the parties.

12

13 *History Note: Authority G.S. 150B-38;*
14 *Eff. February 1, 1976;*
15 *Amended Eff. January 1, 1989;*
16 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff.*
17 *January 13, 2015;*
18 *Readopted Eff. April 1, 2026.*

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1 **21 NCAC 14C .0802 PERMISSIVE INTERVENTION IS READOPTED AS PUBLISHED IN 40:06 NCR**
2 **567 AS FOLLOWS:**

3

4 **21 NCAC 14C .0802 PERMISSIVE INTERVENTION**

5 A motion to intervene permissively as provided for in North Carolina Rules of Civil Procedure, Rule 24, must
6 be granted if the petitioner meets the criteria of that rule and the Board determines that:

7 (1) There is sufficient legal or factual similarity between the petitioner's rights, privileges, or
8 duties and those of the other parties to the hearing; and

9 (2) Permitting intervention by the petitioner as a party would aid the purposes of the hearing.

10

11 *History Note: Authority G.S. 150B-38;*
12 *Eff. February 1, 1976;*
13 *Amended Eff. January 1, 1989;*
14 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff.*
15 *January 13, 2015;*
16 *Readopted Eff. April 1, 2026.*

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18

1 **21 NCAC 14C .0803 DISCRETIONARY INTERVENTION IS READOPTED AS PUBLISHED IN 40:06**
2 **NCR 567 AS FOLLOWS:**

3

4 **21 NCAC 14C .0803 DISCRETIONARY INTERVENTION**

5 Discretionary intervention must be allowed by the Board upon a motion made before the termination of the
6 hearing itself when the Board finds intervention would be helpful to a determination of the issues in the
7 hearing.

8

9 *History Note: Authority G.S. 150B-38;*
10 *Eff. February 1, 1976;*
11 *Amended Eff. January 1, 1989;*
12 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff.*
13 *January 13, 2015;*
14 *Readopted Eff. April 1, 2026.*

15

16

1 **21 NCAC 14C .0804 ADVISABILITY HEARINGS IS READOPTED AS PUBLISHED IN 40:06 NCR**
2 **567 AS FOLLOWS:**

3

4 **21 NCAC 14C .0804 ADVISABILITY**

5 Discretionary intervention will be deemed advisable when:

6 (1) The information the petitioner desires to present is relevant and not repetitious or merely
7 cumulative; and

8 (2) The petitioner would lend added impact to arguments of the parties.

9

10 *History Note: Authority G.S. 150B-38;*

11 *Eff. February 1, 1976;*

12 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff.*

13 *January 13, 2015;*

14 *Readopted Eff. April 1, 2026.*

15

1 **21 NCAC 14C .0805 WRITTEN MOTION IS READOPTED AS PUBLISHED IN 40:06 NCR 567 AS**
2 **FOLLOWS:**

3

4 **21 NCAC 14C .0805 WRITTEN MOTION**

5 A person desiring to intervene in a contested case must file a written motion with the chairman of the Board at
6 the Board's address.

7

8 *History Note: Authority G.S. 150B-38;*

9 *Eff. February 1, 1976;*

10 *Amended Eff. January 1, 1989; April 1, 1988;*

11 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff.*

12 *January 13, 2015;*

13 *Readopted Eff. April 1, 2026.*

14

1 **21 NCAC 14C .0807 ALLOWANCE IS READOPTED AS PUBLISHED IN 40:06 NCR 567 AS**
2 **FOLLOWS:**

3 **21 NCAC 14C .0807 ALLOWANCE**

4 If the Board decides to allow intervention, notification of that decision will be issued promptly to all parties
5 including the movant. In cases of discretionary intervention such notification will include a statement of the
6 limitations, if any, of time, subject matter, evidence or any other matters deemed necessary by the Board which
7 are imposed upon the intervenor.

8

9 *History Note: Authority G.S. 150B-38;*

10 *Eff. February 1, 1976;*

11 *Amended Eff. January 1, 1989;*

12 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
13 *13, 2015;*

14 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14C .0808 DENIAL IS READOPTED AS PUBLISHED IN 40:06 NCR 567 AS FOLLOWS:**

2 **21 NCAC 14C .0808 DENIAL**

3 If the Board decides to deny intervention, the movant must be notified promptly in writing. The notification
4 must state the reasons for the decision and must be issued to the movant and to all parties.

5

6 *History Note: Authority G.S. 150B-28;*

7 *Eff. February 1, 1976;*

8 *Amended Eff. January 1, 1989;*

9 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
10 *13, 2015;*

11 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14C .0903 BIAS OF BOARD MEMBER IS READOPTED AS PUBLISHED IN 40:06 NCR**
2 **567 AS FOLLOWS:**

3 **21 NCAC 14C .0903 BIAS OF BOARD MEMBER**

4 If for any reason a board member determines that personal bias or other factors would keep that member from
5 being able to hear a contested case and perform all duties concerning the hearing in an impartial manner, that
6 member shall submit in writing to the Board his or her disqualifications and the reasons therefor.

7

8 *History Note: Authority G.S. 150B-38(h); 150B-40;*

9 *Eff. February 1, 1976;*

10 *Amended Eff. January 1, 1989; April 1, 1988;*

11 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
12 *13, 2015;*

13 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14C .0904 BIAS CLAIMED BY PARTY IS READOPTED AS PUBLISHED IN 40:06 NCR**
2 **567 AS FOLLOWS:**

3 **21 NCAC 14C .0904 BIAS CLAIMED BY PARTY**

4 If for any reason any party in a contested case believes that a board member is personally biased or otherwise
5 unable to conduct the hearing and perform all duties in an impartial manner, the party may file with the Board
6 a sworn notarized affidavit stating the reasons for such belief and all relevant facts.

7

8 *History Note: Authority G.S. 150B-38(8); 150B-40;*

9 *Eff. February 1, 1976;*

10 *Amended Eff. April 1, 1988;*

11 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
12 *13, 2015;*

13 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14C .0906 FILING AFFIDAVIT IS READOPTED AS PUBLISHED IN 40:06 NCR 567 AS**
2 **FOLLOWS:**

3 **21 NCAC 14C .0906 FILING AFFIDAVIT**

4 An affidavit of disqualification will be considered timely if filed at least ten days prior to the scheduled hearing
5 date. Any other affidavit may be found timely provided it is filed at the first opportunity after the party
6 becomes aware of facts which give rise to a reasonable belief that any board member may be disqualified.

7

8 *History Note: Authority G.S. 150B-38(h); 150B-40;*

9 *Eff. February 1, 1976;*

10 *Amended Eff. April 1, 1988;*

11 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
12 *13, 2015;*

13 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14C .0907 DISQUALIFICATION IS READOPTED AS PUBLISHED IN 40:06 NCR 567 AS**
2 **FOLLOWS:**

3 **21 NCAC 14C .0907 DISQUALIFICATION**

4 The remainder of the members of the board shall decide whether to disqualify the person being challenged by
5 the following procedural rules:

6 (1) The person whose disqualification is to be determined will not participate in the decision but
7 may be called upon to furnish information to the remaining members of the Board conducting
8 the hearing.

9 (2) The Board shall appoint a member of the Board or the executive secretary or any other
10 appropriate person to investigate the allegations of the affidavit, if necessary and report his or
11 her findings or recommendations.

12 (3) The Board shall decide whether to disqualify the challenged individual on the basis of all
13 relevant and appropriate information available to it.
14

15 *History Note: Authority G.S. 150B-38(h); 150B-40;*
16 *Eff. February 1, 1976;*
17 *Amended Eff. January 1, 1989; April 1, 1988;*
18 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
19 *13, 2015;*
20 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14C .0908 NEW HEARING IS READOPTED AS PUBLISHED IN 40:06 NCR 567 AS**
2 **FOLLOWS:**

3 **21 NCAC 14C .0908 NEW HEARING**

4 When a board member is disqualified after the hearing has begun, a new hearing must be initiated upon request
5 if any party would be prejudiced by the denial of the request.

6

7 *History Note: Authority G.S. 150B-38(h); 150B-40;*

8 *Eff. February 1, 1976;*

9 *Amended Eff. January 1, 1989; April 1, 1988;*

10 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
11 *13, 2015;*

12 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14D .0101 PROCEEDING WITHOUT PARTY IS READOPTED AS PUBLISHED IN 40:06**
2 **NCR 567 AS FOLLOWS:**

3 **SUBCHAPTER 14D - CONDUCT OF THE CONTESTED CASE**

4

5 **SECTION .0100 - FAILURE TO APPEAR**

6

7 **21 NCAC 14D .0101 PROCEEDING WITHOUT PARTY**

8 Should a party who has been served with notice fail to appear at a scheduled hearing without having previously been
9 granted a continuance, the Board may either proceed with the hearing in the party's absence, continue the hearing, or
10 dismiss the proceeding.

11

12 *History Note: Authority G.S. 150B-38(h); 150B-40;*

13 *Eff. February 1, 1976;*

14 *Amended Eff. January 1, 1989; April 1, 1988;*

15 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
16 *13, 2015;*

17 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14D .0103 CONTINUANCES IS READOPTED AS PUBLISHED IN 40:06 NCR 567 AS**
2 **FOLLOWS:**

3 **21 NCAC 14D .0103 CONTINUANCES**

4 A continuance will be granted to a party only in compelling circumstances. Usually only one such postponement
5 will be allowed.

6

7 *History Note: Authority G.S. 150B-38(h); 150B-40;*

8 *Eff. February 1, 1976;*

9 *Amended Eff. January 1, 1989; April 1, 1988;*

10 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
11 *13, 2015;*

12 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14D .0104 PETITION TO REOPEN IS READOPTED AS PUBLISHED IN 40:06 NCR 567 AS**
2 **FOLLOWS:**

3 **21 NCAC 14D .0104 PETITION TO REOPEN**

4 (a) If a hearing is conducted and if a decision is reached in the absence of a party, the party may petition the Board
5 for a reopening of the case. Petitions will not be granted except when the petitioners show that the reason for failure
6 to appear was justifiable and unavoidable and that fairness and justice require a reopening of the case.

7 (b) All petitions for reopening of the case shall be in writing and addressed to the chairman of the Board at it's
8 address, and shall contain the following information:

- 9 (1) the name and address of the petitioner,
10 (2) a full identification of the hearing which the petitioner is seeking to reopen, and
11 (3) a detailed explanation of the reasons for the petitioner's desire to reopen the hearing.

12

13 *History Note: Authority G.S. 150B-38;*

14 *Eff. February 1, 1976;*

15 *Amended Eff. January 1, 1989; April 1, 1988;*

16 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
17 *13, 2015;*

18 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14D .0105 CRITERIA FOR REOPENING A CASE IS READOPTED AS PUBLISHED IN**
2 **40:06 NCR 567 AS FOLLOWS:**

3 **21 NCAC 14D .0105 CRITERIA FOR REOPENING A CASE**

4 The Board shall make a decision on whether to reopen the petitioner's case based upon the merits of the petition or
5 other pertinent information in the Board's possession. A copy of the decision will be sent to the petitioner and made
6 a part of the permanent record of the contested case.

7

8 *History Note: Authority G.S. 150B-38;*

9 *Eff. February 1, 1976;*

10 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
11 *13, 2015;*

12 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14D .0302 ISSUANCE IS READOPTED AS PUBLISHED IN 40:06 NCR 567 AS FOLLOWS:**

2 **21 NCAC 14D .0302 ISSUANCE**

3 Subpoenas requiring the attendance of witnesses or those to produce documents, evidence or things must be issued
4 by the chairman of the Board or his agent within three business days of the receipt of a request from a party to a
5 contested case.

6

7 *History Note: Authority G.S. 150B-38(h); 150B-39;*

8 *Eff. February 1, 1976;*

9 *Amended Eff. January 1, 1989; August 1, 1988;*

10 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
11 *13, 2015;*

12 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14D .0303 SERVICE OF SUBPOENAS IS READOPTED AS PUBLISHED IN 40:06 NCR 567**
2 **AS FOLLOWS:**

3 **21 NCAC 14D .0303 SERVICE OF SUBPOENAS**

4 (a) Subpoenas may be served in any manner provided by law.

5 (b) Subpoenas shall be issued in duplicate with a "Return of Service" form attached to each copy. The person
6 serving the subpoena shall fill out the "Return of Service" form for each copy and promptly return one copy of the
7 subpoena with the attached "Return of Service" form completed to the Board.

8

9 *History Note: Authority G.S. 150B-27;*

10 *Eff. February 1, 1976;*

11 *Amended Eff. January 1, 1989; April 1, 1988;*

12 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*

13 *13, 2015*

14 *Readopted April 1, 2026.*

1 **21 NCAC 14D .0305 OBJECTIONS IS READOPTED AS PUBLISHED IN 40:06 NCR 567 AS**
2 **FOLLOWS:**

3 **21 NCAC 14D .0305 OBJECTIONS**

4 Any person receiving a subpoena may object thereto by filing a written objection with the Board.

5

6 *History Note: Authority G.S. 150B-38(h); 150B-39;*

7 *Eff. February 1, 1976;*

8 *Amended Eff. January 1, 1989; April 1, 1988;*

9 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
10 *13, 2015;*

11 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14D .0306 STATEMENT OF REASONS IS READOPTED AS PUBLISHED IN 40:06 NCR**
2 **567 AS FOLLOWS:**

3 **21 NCAC 14D .0306 STATEMENT OF REASONS**

4 An objection to a subpoena must include a concise but complete statement of reasons why the subpoena should
5 be revoked or modified. These reasons may include lack of relevancy of the evidence requested, lack of
6 particularity in the description of the evidence sought, or any other reason sufficient in law for holding the
7 subpoena invalid, such as that the evidence is privileged or that appearance or production would be so
8 disruptive as to be unreasonable in light of the significance of the evidence sought or would produce some other
9 undue hardship.

10
11 *History Note:* *Authority G.S. 150B-38(h); 150B-39;*
12 *Eff. February 1, 1976;*
13 *Amended Eff. January 1, 1989;*
14 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff.*
15 *January 13, 2015;*
16 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14D .0307 SERVICE OF OBJECTIONS IS READOPTED AS PUBLISHED IN 40:06 NCR**
2 **567 AS FOLLOWS:**

3 **21 NCAC 14D .0307 SERVICE OF OBJECTIONS**

4 Any objections to a subpoena filed with the Board must be simultaneously served on the party requesting the
5 subpoena.

6
7 *History Note: Authority G.S. 150B-38(h); 150B-39;*

8 *Eff. February 1, 1976;*

9 *Amended Eff. January 1, 1989;*

10 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
11 *13, 2015;*

12 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14D .0308 RESPONSES TO OBJECTIONS IS READOPTED AS PUBLISHED IN 40:06 NCR**
2 **567 AS FOLLOWS:**

3 **21 NCAC 14D .0308 RESPONSES TO OBJECTIONS**

4 The party requesting the subpoena, within 10 days, may file a written response to the objection. The response shall
5 be served in like manner as the objection.

6

7 *History Note: Authority G.S. 150B-38(h); 150B-39;*

8 *Eff. February 1, 1976;*

9 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
10 *13, 2015;*

11 *Readopted Eff. April 1, 2026.*

1 **21 NCAC 14D .0309 HEARINGS ON SUBPOENA CHALLENGES IS READOPTED AS PUBLISHED**
2 **IN 40:06 NCR 567 AS FOLLOWS:**

3 **21 NCAC 14D .0309 HEARINGS ON SUBPOENA CHALLENGES**

4 After receipt of the objection and a response thereto, if any, the hearing board or the presiding officer shall issue a
5 notice of hearing to the party who requested the subpoena and the party challenging it and may notify all other
6 parties of a hearing before the Board to be scheduled within a reasonable time at which hearing evidence and
7 testimony may be presented by all parties limited to the questions raised by the subpoena, the objection, and
8 subsequent responses thereto.

9

10 *History Note: Authority G.S. 88-23; 150B-25; 150B-39;*

11 *Eff. February 1, 1976;*

12 *Amended Eff. April 1, 1988;*

13 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*

14 *13, 2015; April 1, 2026.*

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1 **21 NCAC 14D .0310 RULINGS IS READOPTED AS PUBLISHED IN 40:06 NCR 567 AS FOLLOWS:**

2 **21 NCAC 14D .0310 RULINGS**

3 Promptly after the close of any hearing on an objection to a subpoena, the Board will issue a written decision. Based
4 on the evidence presented and the record, the Board may revoke or modify the subpoena for good cause, based on
5 such issues as oppressiveness, relevancy, and other appropriate factors, or may overrule the objection to the
6 subpoena. A written copy of the decision will be served on the person objecting to the subpoena and all parties to
7 the hearing.

8

9 *History Note: Authority G.S. 150B-38(h); 150B-39;*

10 *Eff. February 1, 1976;*

11 *Amended Eff. January 1, 1989; April 1, 1988;*

12 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*

13 *13, 2015;*

14 *Readopted Eff. April 1, 2026.*